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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,578	12/20/2001	Jason F. Hunzinger	09752-145001	4955
27572	7590	07/19/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			YANG, LINA	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,578

Applicant(s)

HUNZINGER, JASON F.

Examiner

Lina Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-23 is/are allowed.
- 6) ☒ Claim(s) 1, 3-19, 24, 26-30 and 32-35 is/are rejected.
- 7) ☒ Claim(s) 2, 25 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 6, 24, 29 - 30 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Onoe et al. (U.S. Patent No. 5,361,396).

Regarding claims 1 and 24, Onoe teaches a method of enhanced common channel monitoring in a wireless communication system comprising: monitoring common channels during an idle state ("waiting state" or "non-active state") to obtain location information linked to infrastructure element identification (fig. 6B element 40a; col. 4 lines 51-52); storing said location information in a database (fig. 6B element 40c;

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col. 5 lines 18-19); and accessing said database to determine location information related to non serving base stations (the non serving base stations are in the different group; col. 4 lines 51-52 and 65-68; col. 5 lines 1-19).

Regarding claims 6, 29 and 35, Onoe further teaches monitoring new common channels only during the idle state (col. 4 lines 51-52).

Regarding claim 30, Onoe teaches a mobile station for obtaining location information in a network, the network containing a serving base station and one or more non-serving base stations which transmit common channels containing location information linked to an infrastructure element identification, the mobile station comprising: a database (fig. 6B element 40c); and a mobile station processor (fig. 6A, element 40; col. 7 lines 13-17) programmed for monitoring the common channels during an idle state ("waiting state" or "non-active state") to obtain the location information linked to an infrastructure element identification, and storing the location information linked to an infrastructure element identification in the database and accessing the database to determine location information related to one of the one or more non-serving base stations (the non serving base stations are in the different group; col. 4 lines 51-52 and 65-68; col. 5 lines 1-19).

2. Claims 7 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1).

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Regarding claim 7, Tiedemann teaches a method for monitoring and collecting location-related information and identification information from a wireless network comprising: monitoring a common channel transmitted from a serving sector during an assigned time slot to obtain location information linked to infrastructure element identification ([0027]); and monitoring one or more common channels transmitted by one or more non-serving sectors while not in the assigned time slot to obtain location information linked to infrastructure element identification ([0027]).

Regarding claim 11 Tiedemann further teaches monitoring the common channels after the assigned time slot ([0027]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 10, 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoe et al. (U.S. Patent No. 5,361,396) in view of Rick et al. (U.S. Patent Application No. 20030174760 A1).

Regarding claims 4, 10, 27 and 33, Onoe does not specifically teach monitoring the common channels for a pre-determined period of time prior to an assigned slot. However, Rick teaches monitoring the common channels for a pre-determined period of time prior to an assigned slot ([0038]). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include monitoring the common channels for a pre-determined period of time prior to an assigned slot as taught by Rick in the assembly of Onoe in order to perform alternate base station searching.

4. Claims 4, 10, 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoe et al. (U.S. Patent No. 5,361,396) in view of Bayley (U.S. Patent No. 6,101,173).

Regarding claims 4, 10, 27 and 33, Onoe does not specifically teach monitoring the common channels for a pre-determined period of time prior to an assigned slot. However, Bayley teaches monitoring the common channels for a pre-determined period of time prior to an assigned slot (col. 2 lines 3-9). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include monitoring the common channels for a pre-determined period of time prior to an assigned slot as taught by Bayley in the assembly of Onoe in order to perform alternate base station searching.

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5. Claims 3, 5, 26, 28, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoe et al. (U.S. Patent No. 5,361,396) in view of Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1).

Regarding claims 3, 26 and 32, Onoe does not specifically teach monitoring a common channel from a serving base station during an active state. However, Tiedemann teaches monitoring a common channel from a serving base station during an active state ([0023]). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include monitoring a common channel from a serving base station during an active state as taught by Tiedemann in the assembly of Onoe in order to receive further messages such as new overhead information.

Regarding claims 5, 28 and 34, Onoe does not specifically teach monitoring the common channels after an assigned slot. However, Tiedemann teaches monitoring the common channels after an assigned slot ([0027]). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include monitoring the common channels after an assigned slot as taught by Tiedemann in the assembly of Onoe in order to continuously perform alternate base station searching.

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6. Claims 8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of Lopes et al. (U.S. Patent No. 6,256,494 B1).

Regarding claim 8, Tiedemann does not specifically teach ignoring communication failures when receiving an unreliable channel while monitoring the one or more common channels transmitted by non-serving sectors. However, Lopes teaches ignoring communication failures when receiving an unreliable channel while monitoring the one or more common channels transmitted by non-serving sectors (col. 4 lines 1-13). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include ignoring communication failures when receiving an unreliable channel while monitoring the one or more common channels transmitted by non-serving sectors as taught by Lopes in the assembly of Tiedemann in order to determine the position from the time of arrival of the signal.

Regarding claim 12, Tiedemann does not specifically teach storing location information contained in the common channels in a database. However, Lopes teaches storing location information contained in the common channels in a database (col. 4 lines 1-8 and line 18-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include storing location information contained in the common channels in a database as taught by Lopes in the assembly of Tiedemann in order to processing the data.

Regarding claim 13, Tiedemann does not specifically teach accessing the database to determine location information of the non-serving sectors. However, Lopes teaches accessing the database to determine location information of the non-serving sectors (col. 4 lines 1-8 and line 18-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include accessing the database to determine location information of the non-serving sectors as taught by Lopes in the assembly of Tiedemann in order to processing the data.

7. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of applicant's own admission of standards.

Regarding claim 15, Tiedemann teaches a method of monitoring overheads from non-serving sectors comprising: monitoring a common channel during an idle state to obtain location information; and entering a standby mode until a next assigned slot.

Tiedemann differs from the claimed invention in that Tiedemann does not specifically teach suspending or disabling the fade timer for non-serving sector channels. However, it's the applicant's own admission that in 2nd and 3rd generation CDMA or 1xEV-DO or derivative standards, the mobile station may suspend or disable the forward fade timer for secondary base stations that it can barely receive a signal from (page 14, lines 11- 17). Therefore, it would have been obvious for one of ordinary

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skill in the art at the time when the invention was made to include suspending or disabling the fade timer for non-serving sector channels in the assembly of Tiedemann in order to get the position information.

Regarding claim 16, Tiedemann further teaches that monitoring the common channels for a pre-determined period of time prior to the assigned slot ([0027]).

Regarding claim 17, Tiedemann further monitoring the common channels after the assigned slot ([0027]).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of Lopes et al. (U.S. Patent No. 6,256,494 B1) as applied to claim 8 above, and further in view of applicant's own admission.

Regarding claim 9, Tiedemann and Lopes have been stated above in 103(a) rejection for claim 8. The modified assembly of Tiedemann and Lopes differs from the claimed invention in that it does not specifically disclose disabling a forward fade timer to ignore communication failures. However, it's the applicant's own admission that in 2nd and 3rd generation CDMA or 1xEV-DO or derivative standards, the mobile station may suspend or disable the forward fade timer for secondary base stations that it can barely receive a signal from (page 14, lines 11- 17). Therefore, it would have been

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obvious for one of ordinary skill in the art at the time when the invention was made to include disabling a forward fade timer to ignore communication failures in the modified assembly of Tiedemann and Lopes in order to get the position information.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of Lopes et al. (U.S. Patent No. 6,256,494 B1) as applied to claim 12 above, and further in view of Rick et al. (U.S. Patent Application No. 20030174760 A1).

Regarding claims 14, Tiedemann and Lopes have been stated above in 103(a) rejection for claim 12. The modified assembly of Tiedemann and Lopes differs from the claimed invention in that it does not specifically disclose accessing the database during the assigned time slot to determine location information related to the serving sector. However, Rick teaches accessing the database during the assigned time slot to determine location information related to the serving sector ([0025]). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include accessing the database during the assigned time slot to determine location information related to the serving sector as taught by Rick in the modified assembly of Tiedemann and Lopes in order to search for alternate base stations.

10. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. (U.S. Patent Application No. 20020142776 A1) in view of applicant's

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own admission as applied to claim 17 above, and further in view of Lopes et al. (U.S. Patent No. 6,256,494 B1).

Regarding claim 18, the modified assembly of Tiedemann differs from the claimed invention in that it does not specifically disclose storing location information contained in the common channels in a database. However, Lopes teaches storing location information contained in the common channels in a database (col. 4 lines 1-8 and line 18-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include storing location information contained in the common channels in a database as taught by Lopes in the modified assembly of Tiedemann in order to processing the data.

Regarding claim 19, the modified assembly of Tiedemann differs from the claimed invention in that it does not specifically teach accessing the database to determine location information of the non-serving sectors. However, Lopes teaches accessing the database to determine location information of the non-serving sectors (col. 4 lines 1-8 and line 18-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include accessing the database to determine location information of the non-serving sectors as taught by Lopes in the modified assembly of Tiedemann in order to processing the data.

Allowable Subject Matter

11. Claims 2, 25 and 31 are objected.

Claims 2, 25 and 31 are objected to as being dependent upon a rejected base claims (1, 24 and 30), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 20-23 are allowable.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 20-23 are allowable since prior art of record, in addition to other limitations recited in claims 20-23, dose not teach or suggest a method of monitoring overhead information from non-serving sectors comprising: waking up a designated period of time earlier than an assigned slot to monitor a common channel transmitted by a non-serving sector to obtain location information; and monitoring additional common channels transmitted by other non-serving sectors as time permits before the next assigned slot.


Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lina Yang whose telephone number is (571) 272-3151. The examiner can normally be reached on 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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